

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

RACHEL DIANNA GUESS,	)	
	)	
Plaintiff/Petitioner,	)	
	)	
SAMUEL FLEMING, SARAH C.	)	
LEWAN, JOSHUA C. FLEMING,	)	
JULIA E. FLEMING, and DOUGLAS R.	)	
JOHNSON, Chapter 7 Trustee for the	)	
Estate of ROBERT D. FLEMING,	)	
	)	
Respondents,	)	
	)	
v.	)	No.: 1:24-CV-16-TAV-CHS
	)	
ROBERT H. FLEMING, JR., individually	)	
And as trustee of ROBERT H. FLEMING,	)	
JR. REVOCABLE TRUST,	)	
	)	
Defendants/Respondents.	)	

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on the motion of plaintiff/petitioner Rachel Dianna Guess and Respondents Samuel Fleming and Douglas R. Johnson, Chapter 7 Trustee for the Estate of Robert D. Fleming, to refer this matter to the bankruptcy judge [Doc. 7]. Specifically, the parties state that this case is related to a case under Title 11, specifically, *In re Fleming, Robert David*, Case No. 1:23-bk-11515-NWW pending before bankruptcy Judge Whittenburg [*Id.*].

Defendant/Respondent Robert H. Fleming, individually and as trustee of the Robert H. Fleming, Jr. Revocable Trust, responds that the bankruptcy courts possess subject matter jurisdiction [Doc. 8]. Subject to a pending motion to dismiss filed in chancery court, these

parties do not object to the matter being referred to the bankruptcy court in which the related bankruptcy proceeding is pending [*Id.*].

This Court's standing order states in relevant part:

In accordance with the provisions of the Bankruptcy Amendments and Federal Judgeship Act of 1984, it is hereby ORDERED:

(1) That all cases under title 11 of the United States Code and all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district[.]

*In re: Reference of Matters to the Bankruptcy Court*, Standing Order (E.D. Tenn. June 1984). Here, the parties appear to agree that the instant case is related to a case arising under title 11, that is, Case No. 1:23-BK-11515-NWW.

In light of the parties' agreement, and for good cause shown, the motion to refer [Doc. 7] is **GRANTED**. This matter is **REFERRED** to United States Bankruptcy Judge Nicholas W. Whittenburg for all further proceedings and the entry of a final judgment, in accordance with 28 U.S.C. § 157.

The parties' joint motion for a status conference regarding the status of the motion to refer [Doc. 9] is **DENIED as moot**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE